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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,584

11/26/2003

Toshiyuki Hosaka

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HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

YOO, JASSON H

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/723,584

Applicant(s)

HOSAKA, TOSHIYUKI

Examiner

Jasson H. Yoo

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3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/26/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Objections

Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is

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required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 7 claims "a game machine comprising the display control device, the main controller for the game machine, and the display device for the game machine according to claim 4". Claim 4 claims a display control device, a main controller, and a display device.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al. (US 2002/0155891).

Okada discloses the following:

1. A display control method comprising: the step of displaying a reach-state display image (playing the game, i.e., rotating the reels, or making selections, paragraphs 116, 125, 133) and a win display image on a display portion of a game machine according to a predetermined production pattern in accordance with a result of a lot drawing by the game machine (Fig. 10b, paragraphs 116, 124, 128, 132),

wherein advertising images are displayed on the display portion by containing the advertising images in the display images according to the production pattern (advertisements are based on game results, paragraphs 21, 22) when at least one of the reach-state display image and the win display image is displayed (Figs. 10b, 11, 12, 13b, 14b, 15).

2. The display control method according to claim 1, wherein among the advertising images having at least one of advertisement contents and display features different from each other (advertisement distribution system stores different advertisement information, paragraphs 29, 71-75), an advertising image corresponding to the result of a lot drawing (paragraph 21) is contained in the display images so that the advertising image is displayed on the display portion (Figs. 10b, 11, 12, 13b, 14b, 15).

3. The display control method according to claim 1, wherein the advertising image is contained in the display image based on advertising image data obtained

through a communication network to display the advertising image on the display portion (Fig. 1).

4 and 7. A display control device comprising:

a first memory for storing production pattern data concerning a production pattern of a display image (game info database 2d in Figs. 2 and 3, paragraphs 69-70);

a second memory for storing display image data concerning the display image (distribution info database 2f in Fig. 2 provides information to be displayed at the terminal 6, paragraphs 74, 98); and

a controller for reading from the first memory production pattern data predetermined in accordance with a result of a lot drawing by a main controller for a game machine, reading the display image data from the second memory according to the production pattern defined by the production pattern data, and displaying a reach-state display image and a win display image on a display device for the game machine (paragraph 86) 11based on the display image data (game server 2, more specifically game managements means 2c in Fig. 2);

wherein the display control device further comprises a third memory for storing advertising image data concerning advertising images (2i or 2e in Fig. 2 or ad server 3 in Figs. 1 and 2), and

the controller displays the advertising images on the display device for the game machine, the advertising images being contained in the display image based on the advertising image data read from the third memory section according to the production

pattern when at least one of the group consisting of the reach-state display image and the win display image is displayed (Fig 9, paragraphs 99-103).

5. The display control device according to claim 4, wherein the third memory section stores the advertising image data concerning advertising images having at least one of advertisement contents and display features different from each other (advertisement information consist of image information such as characters, figures and pictures, paragraph 72), and

the controller reads the advertising image data corresponding to the result of a lot drawing from the third memory section to display the advertising images on the display device of the game machine by containing the advertising images in the display image based on the advertising image data (paragraphs 99-103) (network 5 in Figs. 1 and 2).

6. The display control device according to claim 4, further comprising a receiver for receiving the advertising image data through a communication network, wherein the controller stores data received by the receiver in the third memory as the advertising image data concerning advertising images (2a and 2b in Fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US 2002/0155891) in view of Inoue (US 5,752,881)

Okada discloses a game machine to display advertisements based on the result of the game. Okada further discloses the game machine is a slot machine (paragraph 113). However, Okada fails to teach displaying images on the display portion by projecting light from a rear surface of the display portion. In an analogous art to slot gaming machines, Inoue discloses a slot machine and displaying images on the display portion by projecting light from a rear surface of the display portion (Fig. 9). Projecting light from the rear surface of the display portion allows the player to clearly see the game elements that are being displayed. Therefore it would have been obvious to one skilled in the art at the time the invention was made to modify Okada's game machine and incorporate Okada's rear projected light, in order to allow players clearly see the game elements that are being displayed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,373,440 and US 5,941,772 disclose a gaming machine comprising a plurality of different advertising images to be displayed, based on the result of a lot drawing.

US 6,186,893, and US 5,823,879 disclose a gaming machine comprising a plurality of different advertising images to be displayed, connected to a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

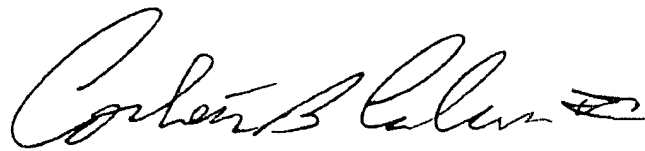
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olszewski Robert can be reached on (571)272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY

A handwritten signature in cursive script, reading "Corbett B. Coburn", followed by a small flourish or mark.

**CORBETT B. COBURN
PRIMARY EXAMINER**